

IN RE: DEVELOPMENT PLAN HEARING and * BEFORE THE
PETITION FOR SPECIAL EXCEPTION for
Standish Assisted Living Home * DEPUTY ZONING COMMISSIONER
1838 Reisterstown Road *
3rd Election District * OF BALTIMORE COUNTY
3rd Councilmanic District *
* Case Nos. 111-398 & 95-202-X
John F. Owings, Jr., Owner;
Two Rivers Retirement Homes, Inc. - Developer

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Hearing Officer for consideration of a development plan prepared by STV Group, Inc., and a Petition for Special Exception for the proposed development of the subject property by John F. Owings, Jr., Owner, and Two Rivers Retirement Homes, Inc., Developer and Contract Purchaser, with an assisted living facility with a capacity of 80 beds, in accordance with the development plan submitted into evidence as Developer's Exhibit 1. In addition to development plan approval, the Applicants request a special exception to permit an assisted living facility on the subject property, pursuant to Sections 432.1.A.3, 1B01.C.22 and 203.3.B.1 of the Baltimore County Zoning Regulations (B.C.Z.R.). The subject property and relief sought are more particularly described on the site plan submitted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the public hearing required for this project were John Owings, owner, Michael Doyle, President of Standish Care Company, Mickey Cornelius, Vice President of The Traffic Group, Michael Lin, and Robert A. Hoffman, Esquire, attorney for the Owner/Developer. Numerous representatives of the various Baltimore County reviewing agencies attended the hearing as did several residents from the surrounding locale, including Ms. Lillian Berger, a resident of the Grey Rock community, and Sidney Freeman, President of the Pikesville Chamber of Commerce. In addi-

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tion, Mr. Richard Talkin appeared on behalf of the Woodholme Country Club, adjoining property owner.

As to the history of this project, the concept plan conference for this development was conducted on October 31, 1994. As required, a community input meeting was held at the Pikesville Library on November 22, 1994. Subsequently, a development plan was submitted and a conference thereon was conducted on January 18, 1995. Following the submission of that plan, comments were submitted by the appropriate agencies of Baltimore County and a red-lined development plan incorporating these comments and bearing a revision date of January 24, 1995 was submitted at the hearing held before me on February 7, 1995.

The subject property is located on the west side of Reisterstown Road, directly opposite the entrance to the Festival at Woodholme Shopping Center. It also borders the fourth hole of the Woodholme Country Club. As noted above, the property is proposed to be developed with an assisted living facility. The property actually consists of two separate parcels of land, one of which consists of 2.19 acres, more or less, zoned R.O., and is identified as Phase I on Developer's Exhibit 1. Phase I will be developed with the proposed assisted living facility. Phase II of the property consists of 1.56 acres, split zoned R.O. and D.R. 3.5, and is improved with two dwellings. Phase II of the property will also contain the storm water management facility for the proposed project.

At the public hearing before me, I am required to determine what, if any, agency comments remain unresolved. On behalf of the Developer, Mr. Robert Hoffman stated that he was unaware of any unresolved comments or issues relative to the development plan. In addition, the representatives of the various Baltimore County reviewing agencies who were in atten-

dance indicated that all issues raised within their respective comments had been resolved and incorporated within the red-lined development plan. As for the citizens in attendance, Ms. Millian Berger, on behalf of the Grey Rock Community Association, raised an issue concerning traffic conditions on Reisterstown Road and what effect, if any, the proposed project will have on existing traffic patterns.

In response to the concerns raised by Ms. Berger, Mr. Hoffman called Mr. Michael Doyle, President of Standish Care, to testify. Mr. Doyle testified that Standish Care operates 13 or 14 assisted living facilities primarily along the east coast of the United States. He indicated that his company is the fourth largest provider of assisted living facilities in the country. He offered testimony regarding the amount of traffic which they project will be generated by the proposed facility. Mr. Doyle indicated that rarely does a resident of this type of facility operate a motor vehicle. He indicated that once an individual chooses to reside in an assisted living facility, they generally do not retain their driver's license. Therefore, it was his opinion that there would be little, if any, traffic generated by any of the residents of this facility. He did, however, estimate that employees who work at the facility would generate traffic to and from the site. He testified that the peak hours of operation for this facility will be from 10:00 AM to 3:00 PM, which are considered off peak from the morning and evening rush hours. Mr. Doyle testified that the total number of employees who will work at this facility will be somewhere between 37 to 40 employees. He also testified that no more than 17 employees would be working at the facility at any one time. Out of those 17 employees, it was estimated, based upon other facilities they operate, that 30 to 50% of those employees would utilize mass transit facilities to

ORDER RECEIVED FOR FILING

Date

By

and from work. This project is located directly on Reisterstown Road which is serviced by the Mass Transit Administration. Therefore, the number of trips which are expected to be generated by this facility would be about 10 to 12 trips each morning and afternoon.

Mr. Doyle also testified concerning deliveries to the site. He indicated that there are usually two food service deliveries to the site per day. He testified that all food is prepared on site and that no food is prepared off-site and brought to the facility. He indicated that laundry facilities are provided on-site so there is no laundry service.

Mr. Mickey Cornelius, Vice President of The Traffic Group, appeared and testified on behalf of the Applicant. Mr. Cornelius basically reiterated the testimony presented by Mr. Doyle as to the number of trips expected to be generated by the proposed facility. Mr. Cornelius also testified concerning the level of operation at various intersections along Reisterstown Road, including Mt. Wilson Lane, the Festival at Woodholme, and Hooks Lane. He testified that the intersections at Mt. Wilson Lane and the Festival at Woodholme both operate at a level "A" and that the intersection at Hooks Lane has been upgraded from a level "D" to a "C" level of operation. While some residents questioned the accuracy of these calculations, they were nonetheless the findings of the latest traffic counts prepared by the Baltimore County Bureau of Traffic Engineering.

Mr. Cornelius also testified that there will be changes to the traffic light which will service the subject facility. Testimony indicated that there currently exists a traffic light at the intersection of the Festival at Woodholme and Reisterstown Road. This traffic light will be utilized by the assisted living facility as a point of ingress and egress. Therefore, all traffic coming to the site will enter through a signal

controlled intersection which will provide a greater level of safety for this site. Also the applicant is providing an acceleration (or deceleration) lane along Reisterstown Road in a southerly direction.

In addition to the witnesses called by the applicant, Mr. Robert Small, a representative of the State Highway Administration (SHA) attended the hearing. As is customary, the SHA sends a representative to development plan hearings when a development imposes upon a State highway. Mr. Small assured Ms. Berger who raised the traffic issue, that the SHA would study the traffic situation at this particular intersection and make appropriate modifications to the traffic light in order to assist and accommodate any additional traffic generated by the proposed facility. Mr. Small provided the name of the State Traffic Engineer who handles Reisterstown Road to Ms. Berger so that she may contact that individual directly to participate in any modifications to the traffic signal that will serve the proposed development as well as others along Reisterstown Road. These traffic lights have been of concern to the Grey Rock Community Association, both at this hearing and others held before this Hearing Officer. Hopefully, Ms. Berger will be allowed to participate and offer comments to the SHA as to any modifications proposed for these traffic lights.

After reviewing all of the testimony and evidence presented concerning the issue of traffic, I am persuaded that the proposed assisted living facility will not increase the level of traffic to a level that would justify a denial of the development plan. Inasmuch as the issue of traffic was the only issue raised concerning this development, and that issue has been resolved in favor of the Applicant, the development plan as submitted shall be approved.

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BY

Mr. Richard Talkin appeared on behalf of the Woodholme Country Club. Mr. Talkin stated that he had met with the Applicants in this case to discuss their concerns with the proposed project and that an agreement had been reached, a copy of which was submitted to this Hearing Officer as Developer's Exhibits 2 and 3 with attachments. On behalf of the Applicants, Mr. Hoffman testified that his clients agreed with the terms of the agreements reached with the Woodholme Country Club and agreed that same should be incorporated as a condition to approval of the development plan and special exception request before me.

As to the Petition for Special Exception, the Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. The Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

After reviewing all of the testimony and evidence presented, it appears that the special exception should be granted with certain restrictions as more fully described below.

/ / / / / / / / / /
/ / / / /

As stated previously, Mr. Richard Talkin, appeared on behalf of the Woodholme Country Club. Mr. Talkin asked, and it was agreed, that the agreement reached between this Developer and the Woodholme Country Club would be incorporated as part of the special exception approval. Therefore, the provisions of the Restrictive Covenant Agreement, identified herein as Developer's Exhibit 2, and the Maintenance Agreement marked as Developer's Exhibit 3, with attachments, shall be enforceable as part of the special exception relief granted. Also, it should be noted that the special exception for the proposed assisted living facility only applies to that portion of the property identified as Phase I on Developer's Exhibit 1 and Petitioner's Exhibit 1. Phase II of the property which contains two dwellings and the proposed storm water management facility for this project is not part of the special exception request. Therefore, any attempt to develop Phase II in the future will require the Applicants to petition for a public hearing to determine the appropriateness of any improvements to that portion of the property.

Pursuant to the zoning and development plan regulations of Baltimore County as contained within the B.C.Z.R. and Subtitle 26 of the Baltimore County Code, the advertising of the property and public hearing held thereon, the development plan shall be approved and the Petition for Special Exception granted consistent with the comments contained herein and the restrictions set forth hereinafter.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner and Hearing Officer for Baltimore County this 15th day of February, 1995 that the development plan for Standish Assisted Living Home, identified herein as Developer's Exhibit 1, be and is hereby APPROVED; and,

ORDER RECEIVED FOR FILING
Date 2/15/95
By [Signature]

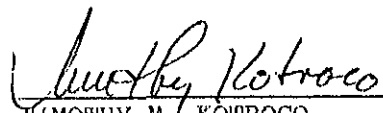
IT IS FURTHER ORDERED that the Petition for Special Exception to permit an assisted living facility on the subject property, pursuant to Sections 432.1.A.3, 1B01.C.22 and 203.3.B.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

2) The Restrictive Covenant Agreement identified herein as Developer's Exhibit 2, and the Maintenance Agreement marked as Developer's Exhibit 3 which was entered into between the Woodholme Country Club and the Two Rivers Retirement Homes, Inc., are hereby incorporated herein and made a part of this Order. Those agreements are enforceable and binding upon the heirs, successors, assigns, and any transferees of the subject property.

3) When applying for a building permit, the site plan and/or landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

Any appeal of this decision must be taken in accordance with Section 26-209 of the Baltimore County Code.


TIMOTHY M. KOTROCO
Hearing Officer
for Baltimore County

TMK:bjs



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

November 17, 1995

Lawrence M. Garten, Esquire
Fedder and Garten
Suite 2300
Charles Center South
36 South Charles Street
Baltimore, MD 21201-3177

RE: Zoning Verification
Woodholme Commons
Assisted Living Facility
1838 Reisterstown Road
Zoning Case #95-202-X
3rd Election District

Dear Mr. Garten:

This letter responds to your request for a zoning compliance verification for the above referenced location. This response is based on the provided information and plans as compared to the approved zoning public hearing plans and order.

The facility site is currently zoned R.O. (Residential-Office) under the Baltimore County Zoning Regulations (BCZR). The use and operation of a 65 unit (80 beds total) assisted living facility is a permitted use in such zone, subject to a special exception (under zoning case #95-202-X) which has been granted, as shown on the approved zoning hearing site plan. The facility is not located in any special districts, such as historical or overlay.

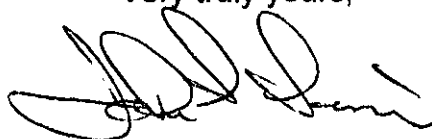
I have reviewed the plans and specifications listed on Exhibit "A", attached hereto ("Plans and Specifications"), for an (80 bed total, as stated in plan note 5A) assisted living facility to be constructed on the facility site. According to the provided information, the plans and specifications conform to all requirements of the Baltimore County Zoning Regulations, including, but not limited to, minimum lot area, height limitations; maximum floor area ratio, setback, parking, screening, landscape, sign and curb cut requirements, as approved by the zoning commissioner in the above referenced case.



Lawrence M. Garten, Esquire
November 17, 1995
Page 2

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, please do not hesitate to contact me at (410) 887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "John L. Lewis", written over a horizontal line.

John L. Lewis
Planner II
Zoning Review

JLL:scj

Enclosure

c: zoning case #95-202-X



Petition for Special Exception

75-202-X

to the Zoning Commissioner of Baltimore County

for the property located at 1838 Reisterstown Rd., Baltimore, MD
which is presently zoned R0 and DR3.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

a Class B Assisted Living Facility pursuant to Section 432.1.A.3, Section 1B01.C.22 (DR 3.5 zone), and Section 203.3.B.1 (R-0 zone).

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee

Two Rivers Retirement
Homes, Inc.

(Type or Print Name)

By

Signature Richard J. Kendall, President

1201 Connecticut Avenue, N.W.

Address Suite 700

Washington, DC 20037

City State Zipcode

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition

Legal Owner(s)

John F. Owings, Jr.

(Type or Print Name)

Signature

(Type or Print Name)

Address:

111 Sunnymeadow Lane
Reisterstown, Maryland 21136

City State Zipcode
Name, Address and phone number of legal owner, contract purchaser or representative to be contacted.

Robert A. Hoffman

Name 210 Allegheny Avenue
Towson, Maryland 21204 494-6200
Address Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for hearing

the following dates Next Two Months

ALL OTHER

REVIEWED BY: DATE 12-2-94

197

Attorney for Petitioner

Robert A. Hoffman

(Type or Print Name)

Signature Venable Baetjer & Howard

210 Allegheny Avenue 494-6200

Address Phone No.

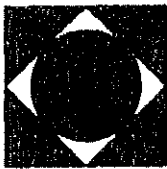
Towson, Maryland 21204

State Zipcode

ORDER RECEIVED FOR FILING

Date

By



STV/LYON ASSOCIATES

ENGINEERS ARCHITECTS PLANNERS

21 GOVERNOR'S COURT
BALTIMORE, MD 21244-2722
410/944-9112, FAX 410/298-2794

95-202-X

ZONING AND DEVELOPMENT DESCRIPTION
FOR STANDISH ASSISTED LIVING HOME
SOUTHWEST SIDE OF REISTERSTOWN ROAD
OPPOSITE CASTLETON AVENUE
ELECTION DISTRICT NO. 3-C3
BALTIMORE COUNTY, MARYLAND

BEGINNING for the same at a point on the southwesterly side of Reisterstown Road (91 feet wide), distant South 42°09'04" East 221 feet from the intersection with the projected centerline of Castleton Avenue, thence along said southwesterly side of Reisterstown Road,

1. South 42°09'04" East 234.66 feet to a point, thence leaving Reisterstown Road and running for the following courses and distances,
2. South 47°49'25" West 406.19 feet to a point, thence,
3. North 42°48'04" West 234.13 feet to a point, thence,
4. North 47°44'51" East 408.85 feet to the point of beginning, as recorded among the Land Records of Baltimore County, Maryland in Liber S.M. No. 8125, folio 226, and Liber S.M. No. 10597, folio 286.

CONTAINING 95,517 square feet or 2.1928 acres of land, more or less.

Also known as No. 1838 Reisterstown Road and located in the 3rd Election District.



STV/Lyon Associates

Mark A. Riddle

MD Professional Land Surveyor No. 10899

November 30, 1994



197

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Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

JANUARY 6, 1995

(410) 887-3353

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
OR
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

DEVELOPMENT PLAN HEARING

PROJECT NAME: Standish Assisted Living Home

PROJECT NUMBER: III-398

LOCATION: 1838 Reisterstown Road

ACRES: 4.02+/-

DEVELOPER: Two Rivers Retirement Homes, Inc.

PROPOSAL: An 80 bed (65 unit) Assisted Living Facility and 2 single family dwellings.

AND

CASE NUMBER: 95-202-X (Item 197)

1838 Reisterstown Road -- Standish Assisted Living Home

SW/S Reisterstown Road, at intersection of Reisterstown Road and Woodholme Center Circle

3rd Election District - 3rd Councilmanic

Legal Owner(s): John F. Owings, Jr.

Contract Purchaser(s): Two Rivers Retirement Homes, Inc.

Special Exception for a Class B Assisted Living Facility.

HEARING: TUESDAY, FEBRUARY 7, 1995 at 9:00 a.m. in Room 118, Old Courthouse.

A handwritten signature in dark ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

cc: John F. Owings, Jr.
Two Rivers Retirement Homes, Inc.
Robert A. Hoffman, Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Page 2

Mr. Arnold Jablon

September 11, 1997

On July 21, 1997, the Development Review Committee approved this plan as a Refinement to the previously approved Development Plan, subject to the acceptance of this request.

Thank you for your consideration in this matter. Should you have any questions, please do not hesitate to contact our office.

Very truly yours,

D.S. THALER & ASSOCIATES, INC.



Stacey A. McArthur, R.L.A.

Enclosure

E., L.S.

**Speed
Letter**

In the interest of speed and economy, we are replying to your letter with marginal notes. If you need more information, do not hesitate to call or write. Thank you for your interest.



, Esquire

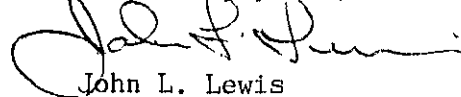
September 18, 1997

2nd Election District

Dear Ms. McArthur:

Based on staff review of your request, provided information, and the approved zoning hearing plans the following has been determined: Case #95-202-X has been superceded by case #97-423-SPHXA which also reflects a rezoning of the property since the 1995 case. Based on this information a spirit and intent determination is unnecessary as the 1995 case is moot and the development plan area is not located in the 1997 case area.

Very truly yours,



John L. Lewis
Planner II, Zoning Review

JLL:rye

c: zoning cases 95-202-X
97-423-SPHXA

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 026347

DATE 9/26/96 ACCOUNT R001-6150

AMOUNT \$ 8.00

RECEIVED
FROM: _____

FOR: _____

Copies

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 066406

DATE 4/24/99 ACCOUNT R001-6150

AMOUNT \$ 40.00

RECEIVED
FROM: J & D Flowers

FOR: Use Permitt

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

PROCESS ACTUAL TIME
3/24/1999 3/24/1999 09:49:37

REC 0001 CASHIER CLERK ONE DRAWER

6 MISCELLANEOUS CASH RECEIPT

Receipt # 093986

CR NO. 066406

40.00 CHECK

Baltimore County, Maryland

CASHIER'S VALIDATION

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

February 15, 1995

(410) 887-4386

Robert A. Hoffman, Esquire
Venable, Baetjer & Howard
210 Allegheny Avenue
Towson, Maryland 21204

RE: DEVELOPMENT PLAN HEARING and PETITION FOR SPECIAL EXCEPTION
SW/S Reisterstown Road at Woodholme Center Circle
(Standish Assisted Living Home)
3rd Election District - 3rd Councilmanic District
John F. Owings, Jr., Owner, and
Two Rivers Retirement Homes, Inc., Developer
Case Nos. III-398 and 95-202-X

Dear Mr. Hoffman:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Development Plan has been approved and the Petition for Special Exception granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy Kotroco".

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. John F. Owings, Jr., 111 Sunnymeadow Lane, Reisterstown, Md. 21136

Mr. Richard J. Kendall, President, Two Rivers Retirement Homes, Inc.
1201 Connecticut Avenue, N.W., Suite 700, Washington, D.C. 20037

Ms. Lillian Berger, 2 Cornelius Court, Baltimore, Md. 21208

Mr. Richard B. Talkin, Suite 301, Quarry Park Place
9175 Guilford Road, Columbia, MD 21046

Dave Flowers, Proj. Mgr. - ZADM; People's Counsel; DEPRM; DPW; File

MICROFILMED



Hearing 2/7

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

95-202-X

District 304

Date of Posting 12/27/94

Posted for: Special Exception

Petitioner: Johnson, Jr. & Two Rivers Retirement Homes, Inc.

Location of property: 1938 Ristow Town Rd, 50/5

Location of Signs: Facing road way on property being zoned

Remarks:

Posted by

M. H. Hays
Signature

Date of return:

12/30/94

Number of Signs:

1



NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case: #95-202-X
(Item 197)
1838 Reisterstown Road —
Standish Assisted Living
Home

8W/8 Reisterstown Road,
at intersection of Re-
isterstown Road and
Woodholme Center Circle
3rd Election District
3rd Councilmanic
Legal Owner(s):

John F. Owings, Jr.
Contract Purchaser(s):
Two Rivers Retirement
Homes, Inc.
Hearing: Wednesday,
January 18, 1995 at 9:00
a.m. in Rm. 106, County Of-
fice Building.

Special Exception for a
Class B Assisted Living Facility.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Handi-
capped Accessible; for special ac-
commodations Please Call
887-3353.

(2) For information concern-
ing the File and/or Hearing, Please
Call 887-3381.
12/229 December 22.

CERTIFICATE OF PUBLICATION

TOWSON, MD.,

Dec. 23, 1994

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Dec. 22, 1994.

THE JEFFERSONIAN,

A. Henickson

LEGAL AD. - TOWSON



Baltimore County
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

177

receipt
95-202-X

Account: R-001-6150

Number JCM

Date 12-2-94

Top Rivers Retirement Home, Inc. By Thomas L. Smith Dec. 1938

Sale L+ (050) 300.⁰⁰

Postage (080) 35.⁰⁰

335.⁰⁰

MICROFILMED

03A03#0186MJCRC \$335.00
BA 0011#35AM12-02-94

Please Make Checks Payable To: Baltimore County

Cashier Validation

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

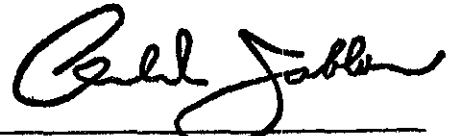
Baltimore County Zoning Regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.



ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 197

Petitioner: Two Rivers Retirement Homes, Inc. *By [Signature]*

Location: 1838 PLEASANTDALE RD. BALD. MD.

PLEASE FORWARD ADVERTISING BILL TO:

NAME: BARB WHITE c/o VERABLE, BAETJER & HOWARD

ADDRESS: 210 ALLEGHENY AVE.

TOWSON, MD. 21204

PHONE NUMBER: 494-6200

TO: PUTUXENT PUBLISHING COMPANY
December 22, 1994 Issue - Jeffersonian

Please forward billing to:

Barbara White
c/o Venable, Baetjer & Howard
210 Allegheny Avenue
Towson, MD 21204
494-6200

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-202-X (Item 197)
1838 Reisterstown Road -- Standish Assisted Living Home
SW/S Reisterstown Road, at intersection of Reisterstown Road and Woodholme Center Circle
3rd Election District - 3rd Councilmanic
Legal Owner(s): John F. Owings, Jr.
Contract Purchaser(s): Two Rivers Retirement Homes, Inc.
HEARING: WEDNESDAY, JANUARY 18, 1995 at 9:00 a.m. in Room 106, County Office Building.

Special Exception for a Class B Assisted Living Facility.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

microfilm

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

December 13, 1994

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-202-X (Item 197)
1838 Reisterstown Road -- Standish Assisted Living Home
SW/S Reisterstown Road, at intersection of Reisterstown Road and Woodholme Center Circle
3rd Election District - 3rd Councilmanic
Legal Owner(s): John F. Owings, Jr.
Contract Purchaser(s): Two Rivers Retirement Homes, Inc.
HEARING: WEDNESDAY, JANUARY 18, 1995 at 9:00 a.m. in Room 106, County Office Building.

Special Exception for a Class B Assisted Living Facility.

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

Arnold Jablon
Director

cc: John F. Owings, Jr.
Two Rivers Retirement Homes, Inc.
Robert A. Hoffman, Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.



Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

DECEMBER 19, 1994

NOTICE OF POSTPONEMENT

CASE NUMBER: 95-202-X
PETITIONER(S): JOHN OWINGS/TWO RIVERS RETIREMENT HOMES, INC.
LOCATION: 1838 REISTERSTOWN ROAD

THE ABOVE MATTER, PREVIOUSLY ASSIGNED TO BE HEARD ON JANUARY 18, 1995,
HAS BEEN POSTPONED AT THE REQUEST OF ROBERT A. HOFFMAN, ATTORNEY FOR
PETITIONERS.

NOTIFICATION OF THE NEW HEARING DATE WILL BE FORWARDED SHORTLY.

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

Arnold Jablon
Director

cc: John F. Owings, Jr.
Two Rivers Retirement Homes, Inc.
Robert A. Hoffman, Esq.

AJ:ggs

MICROFILMED



Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

January 10, 1995

Venable, Baetjer and Howard
210 Allegheny Avenue
Towson, Maryland 21204

RE: Item No.: 197
Case No.: 95-202X
Petitioner: John Owings

Dear Mr. Hoffman:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approving agencies, has reviewed the plans submitted with the above referenced petition. Said petition was accepted for processing by, the Office of Zoning Administration and Development Management (ZADM), Development Control Section on December 2, 1994.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties; i.e., zoning commissioner, attorney, petitioner, etc. are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

A handwritten signature in cursive script, appearing to read "W. Carl Richards, Jr.", is written over the typed name.

W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)



TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management
December 21, 1994

FROM: J. Lawrence Pilson 
Development Coordinator, DEPRM

SUBJECT: Zoning Item #197 - Standish Assisted Living Facility
1838 Reisterstown Road
Zoning Advisory Committee Meeting of December 12, 1994

STANDISH/DEPRM/TXTSBP

BALTIMORE COUNTY, MARYLAND
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director DATE: Dec. 19, 1994
Zoning Administration and Development Management

FROM: *[Signature]* Robert W. Bowling, Chief
Developers Engineering Section

RE: Zoning Advisory Committee Meeting
for December 19, 1994
Item No. 197

The Developers Engineering Section has reviewed the subject zoning item. We will review the landscape plan when the Development Plan is submitted.

RWB:sw

MICROFILMED

Baltimore County Government
Fire Department



700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 12/08/94

RECEIVED
DEC 9 1994
ZADM

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: JOHN F. OWINGS JR.

LOCATION: SW/3 REISTERSTOWN RD., AT INTERSECTION OF REISTERSTOWN RD.,
AND WOODHOLME CENTER CIR. (1838 REISTERSTOWN RD., STANDISH
ASSISTED LIVING HOME)

Item No.: 197 Zoning Agenda: SPECIAL HEARING

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

1. Fire hydrants for the referenced property are required and shall be located at proper intervals, along an approved road in accordance with Baltimore County Standard Design Manual Sec. 2.4.4 Fire Hydrants, as published by the Department of Public Works.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1991 edition prior to occupancy.

REVIEWER: LT. ROBERT P. SOUFFWALD
Fire Marshal Office, PHONE (887) 4881, MS 11021

cc: File



12/10/94

Hearing 2-7

RE: PETITION FOR SPECIAL EXCEPTION	*	BEFORE THE
1838 Reisterstown Road, SW/S Reisterstown		
Road, at intersection Reisterstown Road	*	ZONING COMMISSIONER
& Woodholme Center Circle, 3rd Election		
District - 3rd Councilmanic	*	OF BALTIMORE COUNTY
John F. Owings, Jr.	*	CASE NO. 95-202-X
Petitioners		

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 6th day of January, 1995, a copy of the foregoing Entry of Appearance was mailed to Robert A. Hoffman, Esquire, Venable, Baetjer and Howard, 210 Allegheny Avenue, Towson, MD 21204, attorney for Petitioner.

Peter Max Zimmerman

PETER MAX ZIMMERMAN

FEDDER AND GARTEN
PROFESSIONAL ASSOCIATION
ATTORNEYS AT LAW

SUITE 2300
CHARLES CENTER SOUTH
36 SOUTH CHARLES STREET
BALTIMORE, MARYLAND 21201-3177

TELEPHONE
(410) 539-2800

FACSIMILE
(410) 659-0543

November 7, 1995

OFFICE OF MORRIS FEDDER (1926-61)

Baltimore County Development and Management
111 West Chesapeake Avenue
Towson, Maryland 21204
ATTN: Mr. Arnold Jablon

Dear Mr. Jablon:

This office represents Woodholme Commons an assisted living community located at 1838 Reisterstown Road, Pikesville, Maryland. We are in the process of completing the financing for this project. To that end, our Lender requested that we obtain from your office a letter which states the following:

1. Use. The Facility Site is currently zoned _____ under the Zoning Code. The use and operation of a 75-unit assisted living facility is a permitted use in such zone. No special use permits, conditional use permits, variances or exceptions have been granted nor are needed to use the Facility Site as a 75-unit assisted living facility. The Facility is not located in any special districts such as historical districts or overlay districts.

2. Zone Requirements. I have reviewed the plans and specifications listed on Exhibit A attached hereto ("Plans and Specifications") for a 75-unit assisted living facility to be constructed on the Facility Site ("Facility"). The Plans and Specifications confirm to all requirements of the Zoning Code, including, but not limited to, minimum lot area, height limitations, maximum floor area ratio, setback, parking, screening, landscape, sign and curb cut requirements.

Enclosed please find a format of the language that the Lender has proposed that we obtain. I am also enclosing \$40.00 representing the review fee, as well as a complete set of the appropriate site plan.

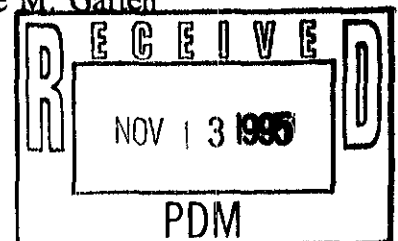
Thank you for your cooperation in this matter.

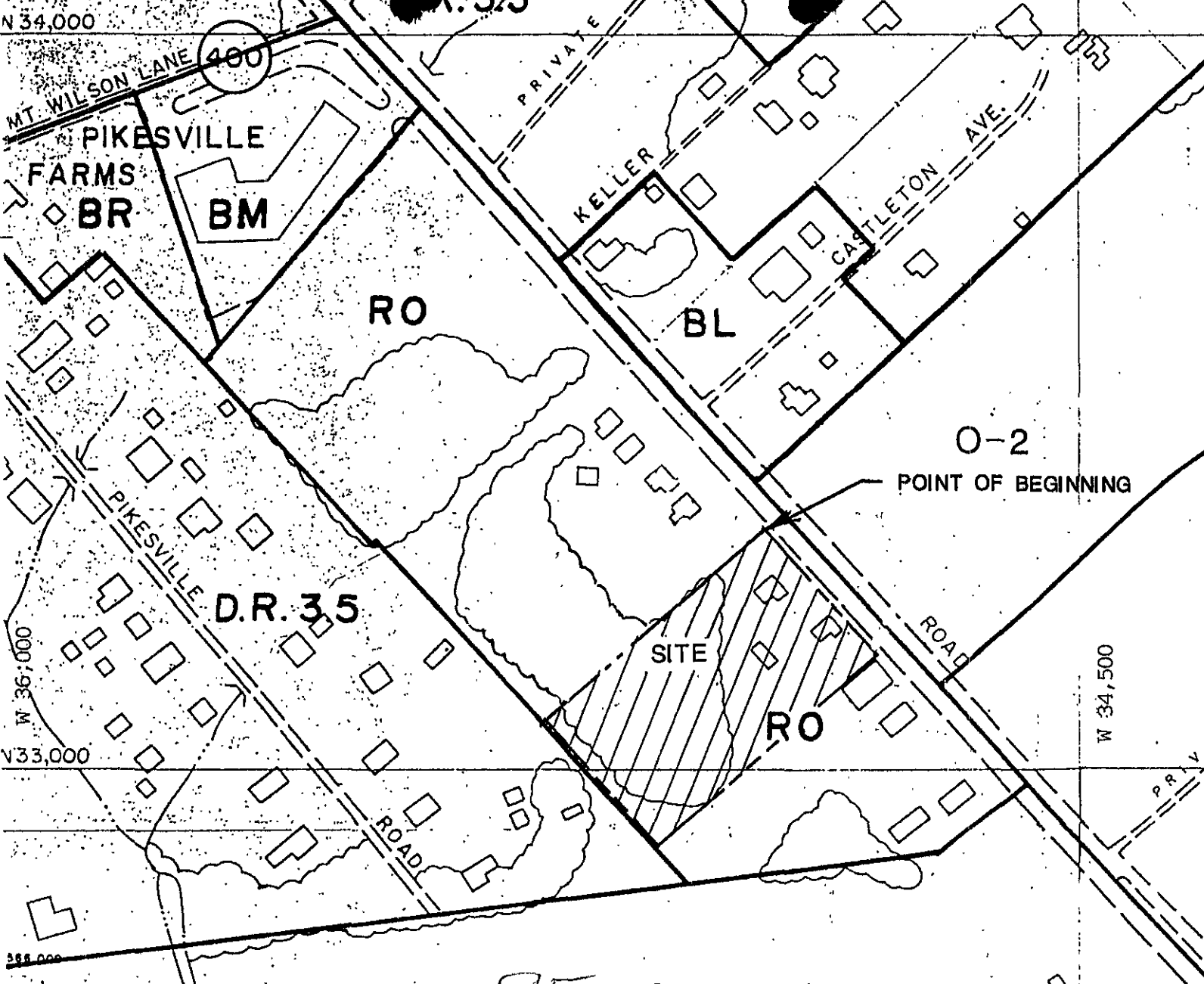
Very truly yours,

Lawrence M. Garten
Lawrence M. Garten

LMG:dms
Enclosures

Call for pick-up



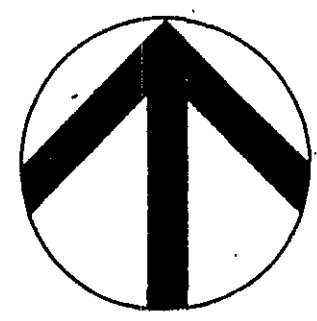


ZONING MAP

STANDISH ASSISTED LIVING HOME

MICROFILMED

BALTIMORE COUNTY
ZONING MAP N.W. 9-F



SCALE 1"=200'-0"

IN RE: DEVELOPMENT PLAN HEARING and * BEFORE THE
PETITION FOR SPECIAL EXCEPTION for * DEPUTY ZONING COMMISSIONER
Standish Assisted Living Home
1808 Reisterstown Road
3rd Election District * OF BALTIMORE COUNTY
3rd Councilmanic District * Case Nos. III-398 & 95-202-X
John F. Owings, Jr., Owner;
Two Rivers Retirement Homes, Inc. - Developer

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Hearing Officer for consideration of a development plan prepared by STV Group, Inc., and a Petition for Special Exception for the proposed development of the subject property by John F. Owings, Jr., Owner, and Two Rivers Retirement Homes, Inc., Developer and Contract Purchaser, with an assisted living facility with a capacity of 80 beds, in accordance with the development plan submitted into evidence as Developer's Exhibit 1. In addition to development plan approval, the Applicants request a special exception to permit an assisted living facility on the subject property, pursuant to Sections 432.1.A.3, 1801.C.22 and 203.3.B.1 of the Baltimore County Zoning Regulations (B.C.Z.R.). The subject property and relief sought are more particularly described on the site plan submitted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the public hearing required for this project were John Owings, owner, Michael Doyle, President of Standish Care Company, Mickey Cornelius, Vice President of The Traffic Group, Michael Lin, and Robert A. Hoffman, Esquire, attorney for the Owner/Developer. Numerous representatives of the various Baltimore County reviewing agencies attended the hearing as did several residents from the surrounding locale, including Ms. Lillian Berger, a resident of the Grey Rock community, and Sidney Freeman, President of the Pikesville Chamber of Commerce. In addition,

tion, Mr. Richard Talkin appeared on behalf of the Woodholme Country Club, adjoining property owner.

As to the history of this project, the concept plan conference for this development was conducted on October 31, 1994. As required, a community input meeting was held at the Pikesville Library on November 22, 1994. Subsequently, a development plan was submitted and a conference thereon was conducted on January 18, 1995. Following the submission of that plan, comments were submitted by the appropriate agencies of Baltimore County and a red-lined development plan incorporating these comments and bearing a revision date of January 24, 1995 was submitted at the hearing held before me on February 7, 1995.

The subject property is located on the west side of Reisterstown Road, directly opposite the entrance to the Festival at Woodholme Shopping Center. It also borders the fourth hole of the Woodholme Country Club. As noted above, the property is proposed to be developed with an assisted living facility. The property actually consists of two separate parcels of land, one of which consists of 2.19 acres, more or less, zoned R.O., and is identified as Phase I on Developer's Exhibit 1. Phase I will be developed with the proposed assisted living facility. Phase II of the property consists of 1.56 acres, split zoned R.O. and D.R. 3.5. and is improved with two dwellings. Phase II of the property will also contain the storm water management facility for the proposed project.

At the public hearing before me, I am required to determine what, if any, agency comments remain unresolved. On behalf of the Developer, Mr. Robert Hoffman stated that he was unaware of any unresolved comments or issues relative to the development plan. In addition, the representatives of the various Baltimore County reviewing agencies who were in attendance,

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ORDER RECEIVED FOR FILING
Date 2/15/95
By [Signature]

dance indicated that all issues raised within their respective comments had been resolved and incorporated within the red-lined development plan. As for the citizens in attendance, Ms. Lillian Berger, on behalf of the Grey Rock Community Association, raised an issue concerning traffic conditions on Reisterstown Road and what effect, if any, the proposed project will have on existing traffic patterns.

In response to the concerns raised by Ms. Berger, Mr. Hoffman called Mr. Michael Doyle, President of Standish Care, to testify. Mr. Doyle testified that Standish Care operates 13 or 14 assisted living facilities primarily along the east coast of the United States. He indicated that his company is the fourth largest provider of assisted living facilities in the country. He offered testimony regarding the amount of traffic which they project will be generated by the proposed facility. Mr. Doyle indicated that rarely does a resident of this type of facility operate a motor vehicle. He indicated that once an individual chooses to reside in an assisted living facility, they generally do not retain their driver's license. Therefore, it was his opinion that there would be little, if any, traffic generated by any of the residents of this facility. He did, however, estimate that employees who work at the facility would generate traffic to and from the site. He testified that the peak hours of operation for this facility will be from 10:00 AM to 3:00 PM, which are considered off peak from the morning and evening rush hours. Mr. Doyle testified that the total number of employees who will work at this facility will be somewhere between 37 to 40 employees. He also testified that no more than 17 employees would be working at the facility at any one time. Out of those 17 employees, it was estimated, based upon other facilities they operate, that 30 to 50% of those employees would utilize mass transit facilities to

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and from work. This project is located directly on Reisterstown Road which is serviced by the Mass Transit Administration. Therefore, the number of trips which are expected to be generated by this facility would be about 10 to 12 trips each morning and afternoon.

Mr. Doyle also testified concerning deliveries to the site. He indicated that there are usually two food service deliveries to the site per day. He testified that all food is prepared on site and that no food is prepared off-site and brought to the facility. He indicated that laundry facilities are provided on-site so there is no laundry service.

Mr. Mickey Cornelius, Vice President of The Traffic Group, appeared and testified on behalf of the Applicant. Mr. Cornelius basically reiterated the testimony presented by Mr. Doyle as to the number of trips expected to be generated by the proposed facility. Mr. Cornelius also testified concerning the level of operation at various intersections along Reisterstown Road, including Mt. Wilson Lane, the Festival at Woodholme, and Hooks Lane. He testified that the intersections at Mt. Wilson Lane and the Festival at Woodholme both operate at a level "A" and that the intersection at Hooks Lane has been upgraded from a level "D" to a "C" level of operation. While some residents questioned the accuracy of these calculations, they were nonetheless the findings of the latest traffic counts prepared by the Baltimore County Bureau of Traffic Engineering.

Mr. Cornelius also testified that there will be changes to the traffic light which will service the subject facility. Testimony indicated that there currently exists a traffic light at the intersection of the Festival at Woodholme and Reisterstown Road. This traffic light will be utilized by the assisted living facility as a point of ingress and egress. Therefore, all traffic coming to the site will enter through a signal

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controlled intersection which will provide a greater level of safety for this site. Also the applicant is providing an acceleration (or deceleration) lane along Reisterstown Road in a southerly direction.

In addition to the witnesses called by the applicant, Mr. Robert Small, a representative of the State Highway Administration (SHA) attended the hearing. As is customary, the SHA sends a representative to development plan hearings when a development imposes upon a State highway. Mr. Small assured Ms. Berger who raised the traffic issue, that the SHA would study the traffic situation at this particular intersection and make appropriate modifications to the traffic light in order to assist and accommodate any additional traffic generated by the proposed facility. Mr. Small provided the name of the State Traffic Engineer who handles Reisterstown Road to Ms. Berger so that she may contact that individual directly to participate in any modifications to the traffic signal that will serve the proposed development as well as others along Reisterstown Road. These traffic lights have been of concern to the Grey Rock Community Association, both at this hearing and others held before this Hearing Officer. Hopefully, Ms. Berger will be allowed to participate and offer comments to the SHA as to any modifications proposed for these traffic lights.

After reviewing all of the testimony and evidence presented concerning the issue of traffic, I am persuaded that the proposed assisted living facility will not increase the level of traffic to a level that would justify a denial of the development plan. Inasmuch as the issue of traffic was the only issue raised concerning this development, and that issue has been resolved in favor of the Applicant, the development plan as submitted shall be approved.

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Mr. Richard Talkin appeared on behalf of the Woodholme Country Club. Mr. Talkin stated that he had met with the Applicants in this case to discuss their concerns with the proposed project and that an agreement had been reached, a copy of which was submitted to this Hearing Officer as Developer's Exhibits 2 and 3 with attachments. On behalf of the Applicants, Mr. Hoffman testified that his clients agreed with the terms of the agreements reached with the Woodholme Country Club and agreed that same should be incorporated as a condition to approval of the development plan and special exception request before me.

As to the Petition for Special Exception, the Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. The Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

After reviewing all of the testimony and evidence presented, it appears that the special exception should be granted with certain restrictions as more fully described below.

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ORDER RECEIVED FOR FILING
Date 2/15/95
By [Signature]

As stated previously, Mr. Richard Talkin, appeared on behalf of the Woodholme Country Club. Mr. Talkin asked, and it was agreed, that the agreement reached between this Developer and the Woodholme Country Club would be incorporated as part of the special exception approval. Therefore, the provisions of the Restrictive Covenant Agreement, identified herein as Developer's Exhibit 2, and the Maintenance Agreement marked as Developer's Exhibit 3, with attachments, shall be enforceable as part of the special exception relief granted. Also, it should be noted that the special exception for the proposed assisted living facility only applies to that portion of the property identified as Phase I on Developer's Exhibit 1 and Petitioner's Exhibit 1. Phase II of the property which contains two dwellings and the proposed storm water management facility for this project is not part of the special exception request. Therefore, any attempt to develop Phase II in the future will require the Applicants to petition for a public hearing to determine the appropriateness of any improvements to that portion of the property.

Pursuant to the zoning and development plan regulations of Baltimore County as contained within the B.C.Z.R. and Subtitle 26 of the Baltimore County Code, the advertising of the property and public hearing held thereon, the development plan shall be approved and the Petition for Special Exception granted consistent with the comments contained herein and the restrictions set forth hereinafter.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner and Hearing Officer for Baltimore County this 15th day of February, 1995 that the development plan for Standish Assisted Living Home, identified herein as Developer's Exhibit 1, be and is hereby APPROVED; and,

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IT IS FURTHER ORDERED that the Petition for Special Exception to permit an assisted living facility on the subject property, pursuant to Sections 432.1.A.3, 1801.C.22 and 203.3.B.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.
- 2) The Restrictive Covenant Agreement identified herein as Developer's Exhibit 2, and the Maintenance Agreement marked as Developer's Exhibit 3 which was entered into between the Woodholme Country Club and the Two Rivers Retirement Homes, Inc., are hereby incorporated herein and made a part of this Order. Those agreements are enforceable and binding upon the heirs, successors, assigns, and any transferees of the subject property.
- 3) When applying for a building permit, the site plan and/or landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

Any appeal of this decision must be taken in accordance with Section 26-209 of the Baltimore County Code.

TWK:bjs

[Signature]
TIMOTHY H. KOTROCO
Hearing Officer
for Baltimore County

Post-it brand fax transmittal memo 7071	
To: [Signature]	From: [Signature]
By: [Signature]	Date: 2/15/95
At: [Signature]	Phone: 887-3450
Fax: 653-5019x	Fax: 887-5062

8

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

February 15, 1995 (410) 887-4386

Robert A. Hoffman, Esquire
Venable, Baetjer & Howard
210 Allegheny Avenue
Towson, Maryland 21204

RE: DEVELOPMENT PLAN HEARING AND PETITION FOR SPECIAL EXCEPTION
SW/S Reisterstown Road at Woodholme Center Circle
(Standish Assisted Living Home)
3rd Election District - 3rd Councilmanic District
John F. Owings, Jr., Owner, and
Two Rivers Retirement Homes, Inc., Developer
Case Nos. III-398 and 95-202-X

Dear Mr. Hoffman:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Development Plan has been approved and the petition for Special Exception granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TWK:bjs

cc: Mr. John F. Owings, Jr., 111 Sunnymeadow Lane, Reisterstown, Md. 21136

Mr. Richard J. Kendall, President, Two Rivers Retirement Homes, Inc.
1201 Connecticut Avenue, N.W., Suite 700, Washington, D.C. 20037

Ms. Lillian Berger, 2 Cornelius Court, Baltimore, Md. 21208

Mr. Richard B. Talkin, Suite 301, Quarry Park Place
9175 Guilford Road, Columbia, MD 21046

Dave Flowers, Proj. Mgr. - ZADM; People's Counsel; DEPRM; DPW; FIVE



Petition for Special Exception to the Zoning Commissioner of Baltimore County

for the property located at 1838 Reisterstown Rd., Baltimore, MD
which is presently zoned R0 and DR3.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.
The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for
a Class B Assisted Living Facility pursuant to Section 432.1.A.3,
Section 1801.C.22 (DR 3.5 zone), and Section 203.3.B.1 (R-0 zone).

Property is to be posted and advertised as prescribed by Zoning Regulations.
I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Owner
Two Rivers Retirement
Homes, Inc.
By: *Richard J. Kendall*
Richard J. Kendall, President
1201 Connecticut Avenue, N.W.
Suite 700
Washington, DC 20037

John F. Owings, Jr.
By: *John F. Owings, Jr.*
John F. Owings, Jr.
111 Sunnymeadow Lane
Reisterstown, Maryland 21136

Robert A. Hoffman
By: *Robert A. Hoffman*
Venable, Baetjer & Howard
210 Allegheny Avenue 494-6200
Towson, Maryland 21204

Address:
111 Sunnymeadow Lane
Reisterstown, Maryland 21136
City: State: Zip Code:
Name, Address and phone number of legal owner, contract purchaser or representative to be contacted:
Robert A. Hoffman
Name: 210 Allegheny Avenue
Towson, Maryland 21204 494-6200
Address: Phone No.:
OFFICE USE ONLY
ESTIMATED LENGTH OF HEARING: _____
The following date: _____
REVIEWED BY: *John F. Owings, Jr.* DATE: 12-2-94
197

ORDER RECEIVED FOR FILING
Date: 12/2/94
By: *John F. Owings, Jr.*



STV/LYON ASSOCIATES
ENGINEERS ARCHITECTS PLANNERS
21 GOVERNOR'S COURT
BALTIMORE, MD 21204-2722
410/944-9112 FAX 410/298-2794

ZONING AND DEVELOPMENT DESCRIPTION
FOR STANDISH ASSISTED LIVING HOME
SOUTHWEST SIDE OF REISTERSTOWN ROAD
OPPOSITE CASTLETON AVENUE
ELECTION DISTRICT NO. 3-C3
BALTIMORE COUNTY, MARYLAND

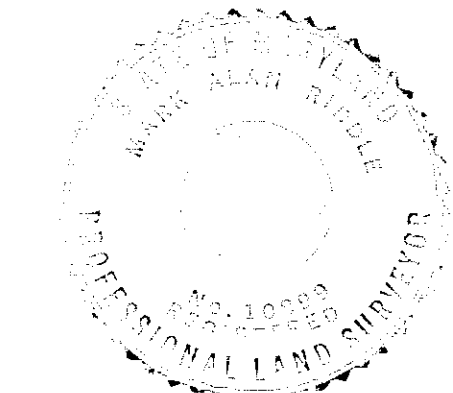
BEGINNING for the same at a point on the southwesterly side of Reisterstown Road (91 feet wide), distant South 42°09'04" East 221 feet from the intersection with the projected centerline of Castleton Avenue, thence along said southwesterly side of Reisterstown Road.

- South 42°09'04" East 234.66 feet to a point, thence leaving Reisterstown Road and running for the following courses and distances.
- South 47°49'25" West 406.19 feet to a point, thence.
- North 42°48'04" West 234.13 feet to a point, thence.
- North 47°44'51" East 408.85 feet to the point of beginning, as recorded among the Land Records of Baltimore County, Maryland in Liber S.M. No. 8125, folio 226, and Liber S.M. No. 10597, folio 286.

CONTAINING 95.517 square feet or 2.1928 acres of land, more or less.

Also known as No. 1838 Reisterstown Road and located in the 3rd Election District.

Mark A. Riddle
November 30, 1994
STV/Lyon Associates
Mark A. Riddle
MD Professional Land Surveyor No. 10899



STV Group, Incorporated. Subdivisions: STV/Seavie Stevenson Value & Knecht; STV/Sanders & Thomas; STV/Lyon Associates; STV/H.D. Nottingham; STV Environmental; STV Architects.

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY 95-202-X Towson, Maryland

District: 3-C3 Date of Posting: 12/2/94
Posted for: Special Exception
Petitioner: John F. Owings, Jr. & Two Rivers Retirement Homes, Inc.
Location of property: 1838 Reisterstown Rd., Bal Co, Md.
Location of Signs: Along road by property being zoned
Remarks: _____
Posted by: *Mark A. Riddle* Date of return: 12/20/94
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD. Dec. 23, 1994

THIS IS TO CERTIFY that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Dec. 22, 1994.

THE JEFFERSONIAN,

A. Henrichsen
LEGAL AD. - TOWSON

NOTICE OF HEARING
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:
Case #95-202-X (Item 197)
1838 Reisterstown Road - Standish Assisted Living Home
SW/S Reisterstown Road at intersection of Reisterstown Road and Woodholme Center Circle
3rd Election District - 3rd Councilmanic District
Legal Owner(s): John F. Owings, Jr.
Contract Purchaser(s): Two Rivers Retirement Homes, Inc.
Hearing: Wednesday, January 18, 1995 at 9:00 a.m. in Room 106, County Office Building.
Special Exception for a Class B Assisted Living Facility.
LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County
NOTES: (1) Hearings are Handicapped Accessible for special accommodations. Please call 887-3353.
(2) For information concerning the file and/or hearing, please call 887-3391.
12/28 December 22



Zoning Administration &
Development Management
210 West Chesapeake Avenue
Towson, Maryland 21204

Account: R 011-6150
Number: JCM

receipt
95-202-X

Date: 12-2-94

300.00
35.00
335.00

Please Make Checks Payable To: Baltimore County

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE: 12/2/94 ACCOUNT: R-001/1150
AMOUNT: \$ 400.00
RECEIVED FROM: Todd & Carter
FOR: Zoning Administration
RECEIVED: 12/2/94 BY: 113-05 \$400.00

VALIDATION OR SIGNATURE OF CASHIER
DATE: _____

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- Posting fees will be assessed and paid to this office at the time of filing.
- Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper. NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

Arnold Jablon
ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 197
Petitioner: Two Rivers Retirement Homes, Inc.
Location: 1838 Reisterstown Rd. Bal Co, Md.
PLEASE FORWARD ADVERTISING BILL TO:
NAME: BACA WHITE c/o VENABLE, BAETJER & HOWARD
ADDRESS: 210 ALLEGHENY AVE.
TOWSON, MD. 21204
PHONE NUMBER: 494-6200

AJ:ggg

(Revised 04/09/93)

TO: PUTNAM PUBLISHING COMPANY
December 22, 1994 Issue - Jeffersonian

Please forward billing to:

Barbara White
c/o Venable, Baetjer & Howard
210 Allegheny Avenue
Towson, MD 21204
494-6200

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-202-X (Item 197)
1838 Reisterstown Road - Standish Assisted Living Home
SW/S Reisterstown Road at intersection of Reisterstown Road and Woodholme Center Circle
3rd Election District - 3rd Councilmanic District
Legal Owner(s): John F. Owings, Jr.
Contract Purchaser(s): Two Rivers Retirement Homes, Inc.
HEARING: WEDNESDAY, JANUARY 18, 1995 at 9:00 a.m. in Room 106, County Office Building.

Special Exception for a Class B Assisted Living Facility.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

December 13, 1994

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-202-X (Item 197)
1838 Reisterstown Road - Standish Assisted Living Home
SW/S Reisterstown Road at intersection of Reisterstown Road and Woodholme Center Circle
3rd Election District - 3rd Councilmanic District
Legal Owner(s): John F. Owings, Jr.
Contract Purchaser(s): Two Rivers Retirement Homes, Inc.
HEARING: WEDNESDAY, JANUARY 18, 1995 at 9:00 a.m. in Room 106, County Office Building.

Special Exception for a Class B Assisted Living Facility.

Arnold Jablon
Arnold Jablon
Director

cc: John F. Owings, Jr.
Two Rivers Retirement Homes, Inc.
Robert A. Hoffman, Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

DECEMBER 19, 1994

NOTICE OF POSTPONEMENT

CASE NUMBER: 95-202-X
PETITIONER(S): JOHN OWINGS/TWO RIVERS RETIREMENT HOMES, INC.
LOCATION: 1838 REISTERSTOWN ROAD

THE ABOVE MATTER, PREVIOUSLY ASSIGNED TO BE HEARD ON JANUARY 18, 1995, HAS BEEN POSTPONED AT THE REQUEST OF ROBERT A. HOFFMAN, ATTORNEY FOR PETITIONERS.

NOTIFICATION OF THE NEW HEARING DATE WILL BE FORWARDED SHORTLY.

Arnold Jablon

Arnold Jablon
Director

cc: John F. Owings, Jr.
Two Rivers Retirement Homes, Inc.
Robert A. Hoffman, Esq.

AJ:ggg

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

DEVELOPMENT PLAN HEARING
PROJECT NAME: Standish Assisted Living Home
PROJECT NUMBER: III-398
LOCATION: 1838 Reisterstown Road
ACRES: 4.02/-
DEVELOPER: Two Rivers Retirement Homes, Inc.
PROPOSAL: An 80 bed (65 unit) Assisted Living Facility and 2 single family dwellings.

AND

CASE NUMBER: 95-202-X (Item 197)
1838 Reisterstown Road -- Standish Assisted Living Home
SW/S Reisterstown Road, at intersection of Reisterstown Road and Woodholme Center Circle
3rd Election District - 3rd Councilmanic
Legal Owner(s): John F. Owings, Jr.
Contract Purchaser(s): Two Rivers Retirement Homes, Inc.

Special Exception for a Class B Assisted Living Facility.

HEARING: TUESDAY, FEBRUARY 7, 1995 at 9:00 a.m. in Room 118, Old Courthouse.

Arnold Jablon

Arnold Jablon
Director

cc: John F. Owings, Jr.
Two Rivers Retirement Homes, Inc.
Robert A. Hoffman, Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Printed with Soybean Ink
on Recycled Paper

Venable, Baetjer and Howard
210 Allegheny Avenue
Towson, Maryland 21204

RE: Item No.: 197
Case No.: 95-202X
Petitioner: John Owings

Dear Mr. Hoffman:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approving agencies, has reviewed the plans submitted with the above referenced petition. Said petition was accepted for processing by the Office of Zoning Administration and Development Management (ZADM), Development Control Section on December 2, 1994.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties; i.e., zoning commissioner, attorney, petitioner, etc. are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

W. Carl Richards, Jr.

W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

Printed with Soybean Ink
on Recycled Paper

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management
December 21, 1994

FROM: J. Lawrence Pilsbury
Development Coordinator, DEPRM

SUBJECT: Zoning Item #197 - Standish Assisted Living Facility
1838 Reisterstown Road
Zoning Advisory Committee Meeting of December 12, 1994

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.

Environmental Impact Review

Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains.

Forest Conservation must be addressed.

JLP:BK:sp

STANDISH/DEPRM/TXTSBP

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and Development Management
DATE: Dec. 19, 1994

FROM: Robert W. Bowling, Chief
Developers Engineering Section

RE: Zoning Advisory Committee Meeting
for December 19, 1994
Item No. 197

The Developers Engineering Section has reviewed the subject zoning item. We will review the landscape plan when the Development Plan is submitted.

RWB:sw

DATE: 12/08/94

RECEIVED
DEC 9 1994
ZADM

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: JOHN F. OWINGS JR.

LOCATION: SW/S REISTERSTOWN RD., AT INTERSECTION OF REISTERSTOWN RD.
AND WOODHOLME CENTER CIR. (1838 REISTERSTOWN RD., STANDISH
ASSISTED LIVING HOME)

Item No. 197 Zoning Agenda: SPECIAL HEARING

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

1. Fire hydrants for the referenced property are required and shall be located at proper intervals, along an approved road in accordance with Baltimore County Standard Design Manual Sec. 24.4 Fire Hydrants, as published by the Department of Public Works.
4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1991 edition prior to occupancy.

REVISER: LT. ROBERT P. SALERNI
Fire Marshal Office, PHONE 887-4631, MS-1102F

cc: File

Printed on Recycled Paper

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

November 17, 1995

Lawrence M. Garten, Esquire
Fedder and Garten
Suite 2300
Charles Center South
36 South Charles Street
Baltimore, MD 21201-3177

RE: Zoning Verification
Woodholme Commons
Assisted Living Facility
1838 Reisterstown Road
Zoning Case #95-202-X
3rd Election District

Dear Mr. Garten:

This letter responds to your request for a zoning compliance verification for the above referenced location. This response is based on the provided information and plans as compared to the approved zoning public hearing plans and order.

The facility site is currently zoned R.O. (Residential-Office) under the Baltimore County Zoning Regulations (BCZR). The use and operation of a 65 unit (80 beds total) assisted living facility is a permitted use in such zone, subject to a special exception (under zoning case #95-202-X) which has been granted, as shown on the approved zoning hearing site plan. The facility is not located in any special districts, such as historical or overlay.

I have reviewed the plans and specifications listed on Exhibit "A", attached hereto ("Plans and Specifications"), for an (80 bed total, as stated in plan note 5A) assisted living facility to be constructed on the facility site. According to the provided information, the plans and specifications conform to all requirements of the Baltimore County Zoning Regulations, including, but not limited to, minimum lot area, height limitations, maximum floor area ratio, setback, parking, screening, landscape, sign and curb cut requirements, as approved by the zoning commissioner in the above referenced case.

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on Recycled Paper

Lawrence M. Garten, Esquire
November 17, 1995
Page 2

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, please do not hesitate to contact me at (410) 887-3391.

Very truly yours,

John L. Lewis
John L. Lewis
Planner II
Zoning Review

JLL:scj

Enclosure

c: zoning case #95-202-X

Hearing 2-7

RE: PETITION FOR SPECIAL EXCEPTION *
1838 Reisterstown Road, SW/S Reisterstown *
Road, at intersection Reisterstown Road *
& Woodholme Center Circle, 3rd Election *
District - 3rd Councilmanic *
John F. Owings, Jr. *
Petitioners *

BEFORE THE *
ZONING COMMISSIONER *
OF BALTIMORE COUNTY *
CASE NO. 95-202-X *

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 6th day of January, 1995, a copy of the foregoing Entry of Appearance was mailed to Robert A. Hoffman, Esquire, Venable, Baetjer and Howard, 210 Allegheny Avenue, Towson, MD 21204, attorney for Petitioner.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

FEDDER AND GARTEN
PROFESSIONAL ASSOCIATION
ATTORNEYS AT LAW

SUITE 2300
CHARLES CENTER SOUTH
36 SOUTH CHARLES STREET
BALTIMORE, MARYLAND 21201-3177

November 7, 1995

TELEPHONE
(410) 539-2800

FACSIMILE
(410) 659-0543

OFFICE OF MORRIS FEDDER (1926-61)

Baltimore County Development and Management
111 West Chesapeake Avenue
Towson, Maryland 21204
ATTN: Mr. Arnold Jablon

Dear Mr. Jablon:

This office represents Woodholme Commons an assisted living community located at 1838 Reisterstown Road, Pikesville, Maryland. We are in the process of completing the financing for this project. To that end, our Lender requested that we obtain from your office a letter which states the following:

1. Use. The Facility Site is currently zoned _____ under the Zoning Code. The use and operation of a 75-unit assisted living facility is a permitted use in such zone. No special use permits, conditional use permits, variances or exceptions have been granted nor are needed to use the Facility Site as a 75-unit assisted living facility. The Facility is not located in any special districts such as historical districts or overlay districts.

2. Zone Requirements. I have reviewed the plans and specifications listed on Exhibit A attached hereto ("Plans and Specifications") for a 75-unit assisted living facility to be constructed on the Facility Site ("Facility"). The Plans and Specifications conform to all requirements of the Zoning Code, including, but not limited to, minimum lot area, height limitations, maximum floor area ratio, setback, parking, screening, landscape, sign and curb cut requirements.

Enclosed please find a format of the language that the Lender has proposed that we obtain. I am also enclosing \$40.00 representing the review fee, as well as a complete set of the appropriate site plan.

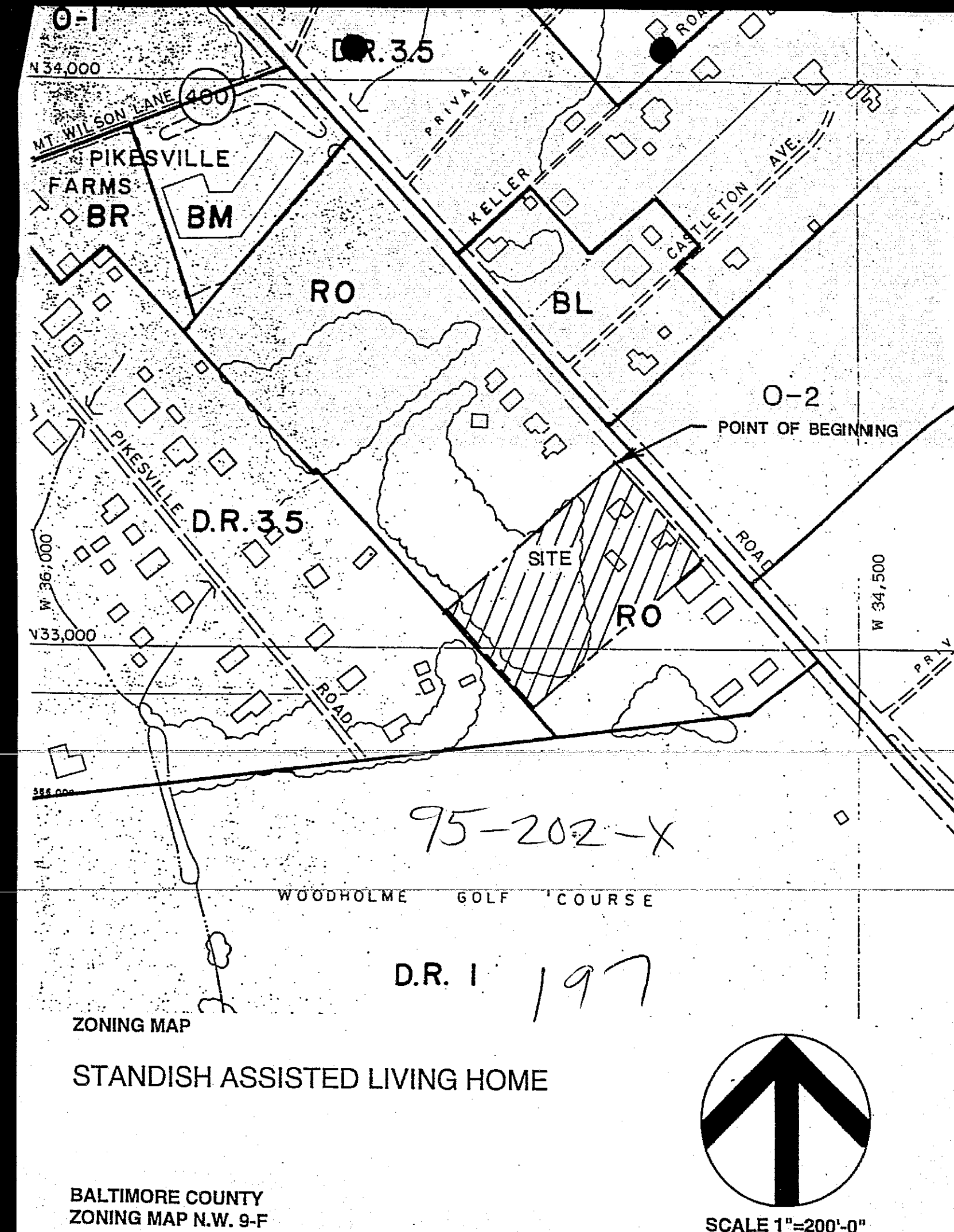
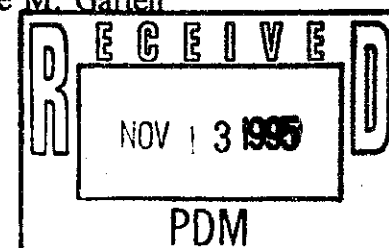
Thank you for your cooperation in this matter.

Very truly yours,

Lawrence M. Garten
Lawrence M. Garten

LMG:dms
Enclosures

Call for pick-up



General Notes:

APPLICANT: TWO RIVERS RETIREMENT HOMES, INC.
1201 CONNECTICUT AVENUE, N.W.
WASHINGTON, D.C. 20036-2605

OWNERS: PHASE I: EMBELLEY, JOHN D.
1115 EMBELLEY LANE
REISTERSTOWN, MD 21136
PHASE II: EMBELLEY, JOHN D.
1115 EMBELLEY LANE
REISTERSTOWN, MD 21136

DEED REFERENCE: 1987-285
TAX ACCOUNT: 11-28581
SITE ADDRESS: 1888 REISTERSTOWN RD.
BL. ZONE: RO ZONE

DEED REFERENCE: 1987-285
TAX ACCOUNT: 11-28581
SITE ADDRESS: 1888 REISTERSTOWN RD.
BL. ZONE: RO ZONE

DEED REFERENCE: 1987-285
TAX ACCOUNT: 11-28581
SITE ADDRESS: 1888 REISTERSTOWN RD.
BL. ZONE: RO ZONE

Legend:

- FOREST CONSERVATION EASEMENT
- ZONE LINE
- LIMITS OF DISTURBANCE
- PROP. LIGHT
- EXIST. CONTOUR
- PROP. CONTOUR
- LIMITS OF PRIVATE OPEN SPACE
- PROP. MAJOR DECIDUOUS TREE
- PROP. MINOR DECIDUOUS TREE
- PROP. EVERGREEN TREE
- PROP. SHRUBS
- PROP. GROUND COVER
- STORMWATER MANAGEMENT EASEMENT

- PROP. MAJOR DECIDUOUS TREE
- PROP. MINOR DECIDUOUS TREE
- PROP. EVERGREEN TREE
- PROP. SHRUBS
- PROP. GROUND COVER
- STORMWATER MANAGEMENT EASEMENT

Forest Buffer and/or Forest Conservation Easement Notes:

THERE SHALL BE NO CLEARING, GRADING, CONSTRUCTION OR DISTURBANCE OF VEGETATION IN THE FOREST BUFFER EASEMENT AND FOREST CONSERVATION EASEMENT EXCEPT AS PERMITTED BY THE BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT.

ANY FOREST BUFFER EASEMENT AND FOREST CONSERVATION EASEMENT SHOWN HEREON IS SUBJECT TO PROTECTIVE COVENANTS WHICH MAY BE FOUND IN THE LAND RECORDS OF BALTIMORE COUNTY AND WHICH RESTRICT DISTURBANCE AND USE OF THESE AREAS.

Certification as to Delinquent Accounts:

This Certificate is submitted in connection with the development shown on the attached **Special Exception** application, and represents that the applicant has reviewed the records of the Baltimore County Department of Public Works and has determined that there are no delinquent accounts for the property shown on the application.

Schematic Landscape Plan Certification:

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF PUBLIC WORKS
Bureau of Public Safety

LANDSCAPE ARCHITECT'S AND OWNER'S SIGNATURE AND CERTIFICATION FORM

I certify that I have reviewed this Schematic Landscape Plan that I am aware of the landscape regulations presented in the Baltimore County Landscape Manual, and I agree to comply with these regulations and all applicable policy, practice and ordinances.

Signature: *[Signature]* Date: *[Date]*

Signature: *[Signature]* Date: *[Date]*

STV GROUP, INC.
Engineers Surveyors Planners
21 Governor's Court Baltimore, Maryland 21207
Telephone : 410-944-9112

REVISIONS		
NO	DATE	DESCRIPTION

DEVELOPER: TWO RIVERS RETIREMENT HOMES, INC.
1201 CONNECTICUT AVENUE, N.W.
SUITE 700
WASHINGTON, D.C. 20036-2605

PLAN PREPARATION

DRAWN BY: TLK	DATE: Dec. 2, 1994
DESIGNED BY:	SCALE: 1"=30'
CHECKED BY: DKW & PCR	

Development Plan, Plat to Accompany Special Exception, and Preliminary Forest Conservation Plan
Standish Assisted Living Home
Developed By: Two Rivers Retirement Homes, Inc.
(CLASS 'B' ASSISTED LIVING FACILITY)
1888 REISTERSTOWN ROAD
BALTIMORE COUNTY, MARYLAND

DRAWING NO. 61-9155
SHEET NO. 1 of 2

17-00000
 TWO PAYERS IDENTIFIED NAME: MC
 1201 CONNECTICUT AVENUE, NW
 SUITE 700
 WASHINGTON, DC 20004-2001
 CONTACT: RICHARD J. KENDALL
 PHONE: 202-322-2070

NAME: PHASE 1
 PARCEL A
 JOHN DOWNS
 111 SUNNYMEADOW LAKE
 BRIGHTSTOWN, MD 21038
 DEED REFERENCE: 18776717
 TAX ACCOUNT: 1740-02689
 SITE ADDRESS: 1101 BRIGHTSTOWN RD.
 PARCEL A-2
 JOHN DOWNS
 111 SUNNYMEADOW LAKE
 BRIGHTSTOWN, MD 21138
 DEED REFERENCE: 18878818
 TAX ACCOUNT: 1740-02689
 SITE ADDRESS: 1101 BRIGHTSTOWN RD.
 NAME: PHASE 2
 PARCEL 420 AND 650
 L.F.C. HOLDING CORPORATION
 P.O. BOX 208
 CHOWS HILLS, MD 21117
 DEED REFERENCE: 81875958
 7875466
 TAX ACCOUNT: 1740-02623
 05-22-2007

W 39700
 W 35500

 FOREST CONSERVATION EASEMENT
 ZONE LINE
 LIMITS OF DISTURBANCE
 PROP. LIGHT
 EXIST. CONTOUR
 PROP. CONTOUR
 LIMITS OF PRIVATE OPEN SPACE
 PROP. MAJOR DECIDUOUS TREE
 PROP. MINOR DECIDUOUS TREE
 PROP. EVERGREEN TREE
 PROP. SHRUBS
 PROP. GROUND COVER
 STORMWATER MANAGEMENT EASEMENT
 PROPOSED BALTIMORE COUNTY ACCESS EASEMENT
 PROPOSED EASEMENT FOR INGRESS AND EGRESS

THERE SHALL BE NO CLEARING, GRADING, CONSTRUCTION OR DISTURBANCE OF VEGETATION IN THE FOREST BUFFER EASEMENT AND FOREST CONSERVATION EASEMENT EXCEPT AS PERMITTED BY THE BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT.

This Certification is submitted in accordance with the development license
of the SECRET and is given in accordance with the
provisions of Section 11.5(a) of the Espionage Control Act, 1978, as amended.

R. J. Kendall I hereby make oath that on the basis
of my knowledge and belief there are no disqualifying accounts for any other development
and current Espionage Control, maintained by the applicant, a person with a financial

BALTIMORE COUNTY, MARYLAND
 THE ATTORNEY OF PUBLIC WORKS
 Bureau of Public Services

LANDS: VBS ARCHITECTS AND OWNER'S
 SIGNAL 36 AND CRISTOFOLU PLANS

I certify that I have reviewed this Baltimore Landmarks Plan, that it is in conformance with the landmarks-regulations presented in the Baltimore County Ordinance on Monuments, local zoning, and I agree to comply with these regulations and all applicable policy guidelines and order same.

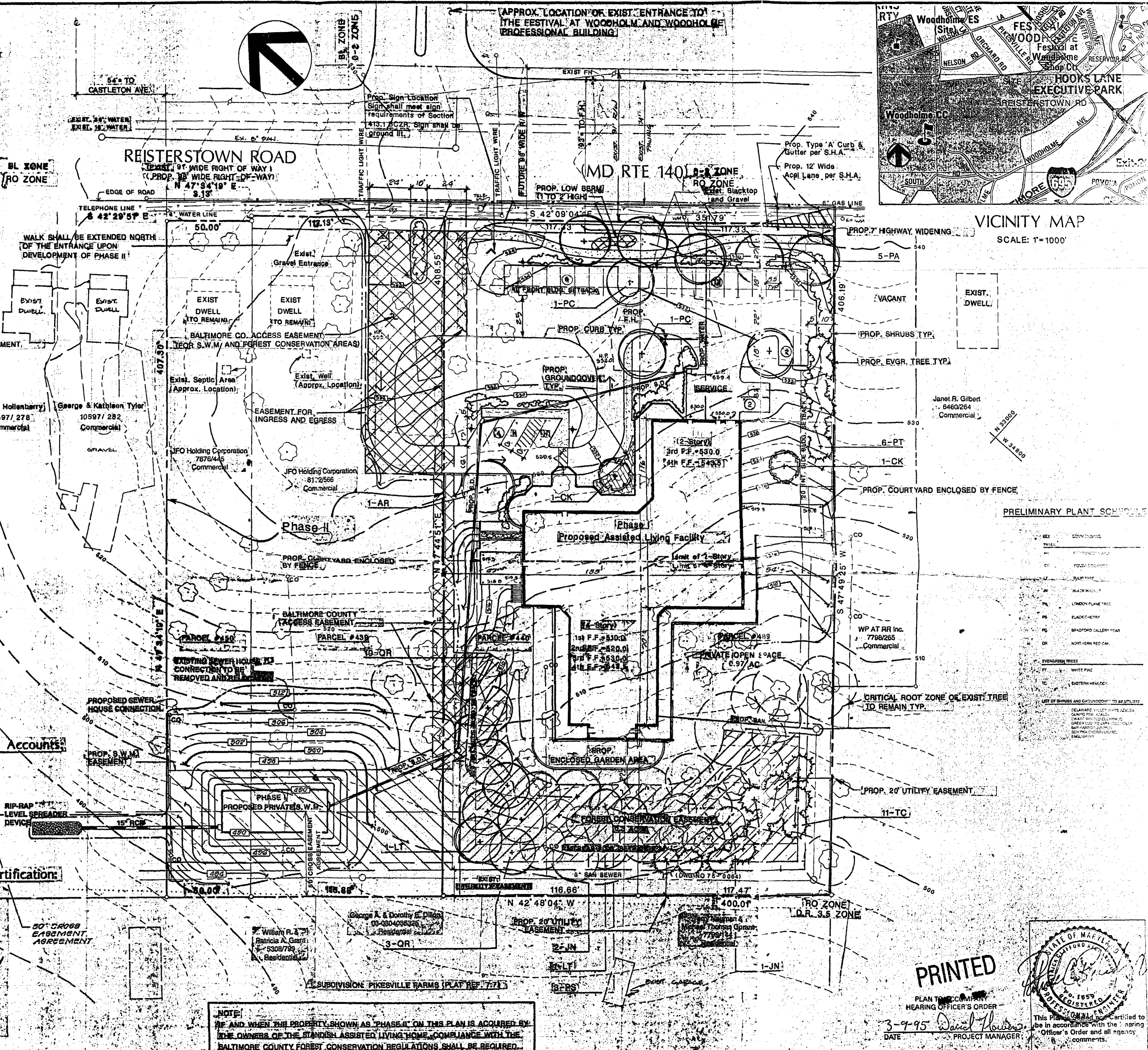
[Signature] *[Date: 6/12/1994]*

Approved by: *[Signature]* Date: _____
 District Manager, BDC/1

Noted Name: _____

[Signature]
 Landmarks Architect or Signatory
[Signature]
 Firms Name: _____

50' OR
 EASEMENT
 AGREED



PLAN TO THE COMPANY
HEARING OFFICER'S ORDER

95 David Hovins
PROJECT MANAGER

PROFESSIONAL ENGINEER
No. 1659
REGISTERED

This Plan is sealed and Certified to be in accordance with the Hearing Officer's Order and all agency comments.

21 Governor's Court Baltimore, Maryland 21207
Telephone : 410-944-9112

NO.	DATE	DESCRIPTION
1	1/19/84	REVISE NAMES OF ADJOINING PROPERTY OWNERS.
2	1/20/84	REVISE FOREST CONSERVATION.
3	1/24/85	PER BALTO. CO. COMMENTS & REV. BAO. FOOTPRINT.

1201 CONNECTICUT AVENUE, N.W.
SUITE 700
WASHINGTON, D.C. 20036-2605
CONTACT: RICHARD J. KENDALL
PHONE (202) 822-3870

DRAWN BY	DATE
DESIGNED BY	SCALE
CHECKED BY	

Standish Assisted Living Home
Developed By: Two Rivers Retirement Homes, Inc.
(ASSISTED LIVING FACILITY)
1838 REISTESTOWN ROAD
BALTIMORE COUNTY, MARYLAND

SHEET NO.
1 of 3